

REMARKS

This amendment is undertaken to present the claimed subject matter in a format that more particularly points out and distinctly claims that which Applicants regard as their Invention.

Claim 1, 15 and 21 are amended to limit n to 2, pursuant to the Restriction Requirement. No new matter is added.

Claim 2 is amended to correct a grammatical error. No new matter is added.

Claims 51, 53-55, 58 and 61 are amended to obviate the Office Action dated May 13, 2003 at page 3, point 2 3rd paragraph. Furthermore, Applicants submit that support for the using a therapeutically effective amount is found throughout the specification for example at page 36, lines 19-21. Claims 55, 58 and 61 are also amended to correct a typographical error in the tense of the verb "comprise". No new matter is added.

Claim 73-76 were previously submitted claims that the Examiner did not address in the current Office Action, that Applicants request consideration of in the present submission. No new matter is added.

I. Finality of Restriction Requirement

In the instant case, the Examiner has maintained the Restriction Requirement.

Applicants traverse the Examiner's basis for the Restriction Requirement. In particular, Applicants submitted the requisite legal and factual basis why the Restriction Requirement was improper and not addressed by the Examiner. However, to facilitate the prosecution of the application, Applicants have limited the pending claimed subject matter to those compounds wherein $n = 2$. However, Applicants reserve the right to pursue this issue in continuing filings.

II. Rejection of Claims 51-55 under 35 USC § 112, Second Paragraph.

The Examiner rejected claims 51-55 for use of the phrase "pharmaceutically acceptable amount" as lacking descriptive support. Applicants submit that the amendment of the claims has obviated this rejection. The current phrase is that suggested by the Examiner

in the previous Office Action, and is also supported in the specification as noted above, for example at page 36, lines 19-21. In view of the aforesaid, Applicants submit that the rejection should be reconsidered and withdrawn.

III. Rejection of Claims 51-55 under 35 USC § 112, First Paragraph.

The Examiner rejected claims 51-55 for use of the phrase "pharmaceutically acceptable amount" as being new matter. Applicants submit that the amendment of the claims has obviated this rejection. The current phrase is that suggested by the Examiner in the previous Office Action, and is also supported in the specification as noted above, for example at page 36, lines 19-21. In view of the aforesaid, Applicants submit that the rejection should be reconsidered and withdrawn.

IV. Rejection of Claims under 35 USC § 103(a) over Pieper et al.

The Examiner alleges that the Pieper et al. discloses compounds that could be modified to arrive at Applicants' claimed compound.

Applicants traverse the rejection. Specifically the Examiner fails to recognize a number of key aspects of the Pieper et al. reference versus Applicants' claimed invention.

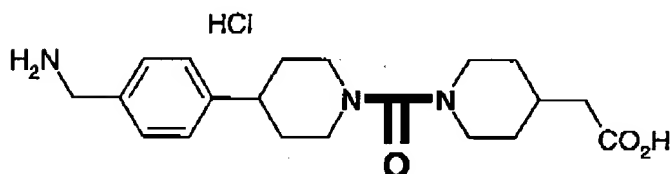
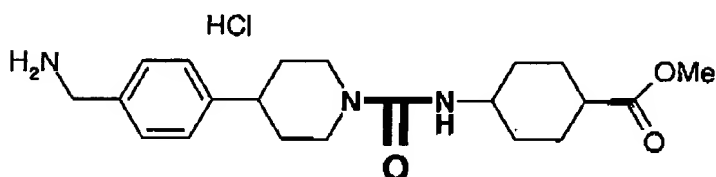
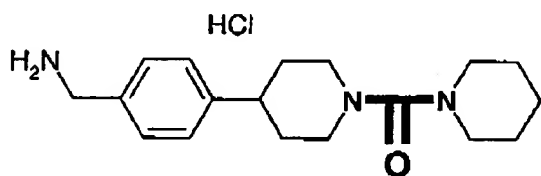
First, Pieper et al. teaches compounds as aggregation inhibitors, whereas Applicants' compounds are tryptase inhibitors. Thus, there is no motivation to modify the Pieper et al. compounds to arrive at Applicants' compounds.

Second, Pieper et al. teaches a critical linkage for its compounds, i.e., it must have a nitrogen for bonding of the moiety E thereof to the moiety D. See col. 1, lines 63-68, wherein it is stated that

D denotes a methylene, ethylene, carbonyl or methylenecarbonyl group, in which the carbonyl group of the methylenecarbonyl group is linked to the group E, or D denotes an -NR³-CO-X- group in which the nitrogen atom of the -NR³-CO-X- group is linked to the group C, R³ is as hereinbefore defined and X denotes a straight-chained or branched C1.5-alkylene group or a 1,4-cyclohexylene group,

E denotes a 1,4-cyclohexylene or 1,4-cyclohex-3-enylene group in which the CH unit in the 1-position, which is linked to the group D, is replaced by a nitrogen atom

This linkage therefore obviates the Examiners suggestion that a carbon bond would be as acceptable as a replacement for noted requisite nitrogen bonds shown. Furthermore the Examiner points to structures that were provided to Applicants as proof that other linkages are permissible. However for the structures cited by the Examiner shown below, all of them



have the requisite nitrogen linkage as shown in bold. The Examiner has also not addressed Pieper's specified bonding requirement, that Applicants do not encompass. Once again, where is the motivation to modify the bonding requirement of Pieper et al. to that provided for by Applicants. Not a single example was shown by the Examiner that shows the E moiety of Pieper et al. as a cyclohexylene bonded to D as a carbonyl through a carbon of the the cyclohexylene. Thus, Pieper et al. teaches compounds distinctly different from those claimed by Applicants. In view of the aforesaid Applicants respectfully request the reconsideration and withdrawal of the rejection over Pieper et al.

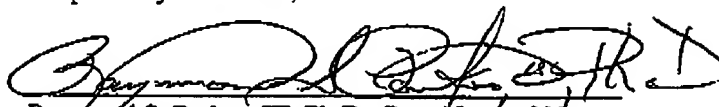
V. Rejection of Claims under Judicially created
Doctrine of Obviousness-Type Double Patenting

Applicants acknowledge the art cited by the Examiner and aver that the key part of the art cited against the instant pending application is a co-pending application of Applicants. Applicants will file a terminal disclaimer to that copending application to obviate the present rejection. Consequently, Applicants request that this basis for rejection is rendered moot, and should be reconsidered and withdrawn.

In view of the aforesaid Applicants submit that the Claims as amended are believed to be in condition for allowance, and early and favorable action on the claims is earnestly solicited.

Respectfully submitted,

September 22, 2004


Raymond S. Parker, III, Ph.D., Reg. No. 34,893
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-5674
Telefax (908) 231-2626

Aventis Docket No. USCA2413 US NP